

Senate Amendment 5276

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1 1 Amend Senate File 2410 as follows:
1 2 #1. Page 1, line 34, by inserting after the word
1 3 <thereof> the following: <"Intergovernmental entity"
1 4 does not include an organization established or
1 5 agreement made in accordance with chapter 28E between
1 6 state agencies.>
1 7 #2. Page 2, line 31, by striking the words
1 8 <transportation services> and inserting the following:
1 9 <services related to transportation>.
1 10 #3. Page 3, line 21, by inserting after the word
1 11 <services> the following: <provided by a person>.
1 12 #4. Page 3, by inserting after line 26 the
1 13 following:
1 14 <(12) A contract with outside counsel or special
1 15 counsel executed by the executive council pursuant to
1 16 section 13.3 or 13.7.
1 17 (13) A contract that is subject to competitive
1 18 bidding for the construction, reconstruction,
1 19 improvement, or repair of a public building or public
1 20 improvement.>
1 21 #5. Page 4, line 17, by striking the figure
1 22 <501(c)(3)> and inserting the following: <501(c)>.
1 23 #6. Page 6, line 22, by striking the word <under>.
1 24 #7. Page 6, by striking lines 23 through 26 and
1 25 inserting the following: <and provides a copy of
1 26 the>.
1 27 #8. Page 7, line 23, by striking the word
1 28 <supplemental>.
1 29 #9. By striking page 8, line 14, through page 9,
1 30 line 1, and inserting the following:
1 31 <Sec. _____. Section 28E.6, Code 2005, is amended to
1 32 read as follows:
1 33 28E.6 ADDITIONAL PROVISIONS.
1 34 1. If the agreement does not establish a separate
1 35 legal entity to conduct the joint or co-operative
1 36 undertaking, the agreement shall also include:
1 37 1- a. Provision for an administrator or a joint
1 38 board responsible for administering the joint or
1 39 co-operative undertaking. In the case of a joint
1 40 board, public agencies party to the agreement shall be
1 41 represented.
1 42 2- b. The manner of acquiring, holding and
1 43 disposing of real and personal property used in the
1 44 joint or co-operative undertaking.
1 45 2. The entity created or the administrator or
1 46 joint board specified in the agreement shall be a
1 47 governmental body for purposes of chapter 21 and a
1 48 government body for purposes of chapter 22 unless the
1 49 entity created or agreement includes public agencies
1 50 from more than one state.
2 1 3. All proceedings of each regular, adjourned, or
2 2 special meeting of the entity created or the
2 3 administrator or joint board specified in the
2 4 agreement, including the schedule of bills allowed,
2 5 shall be published after adjournment of the meeting in
2 6 a newspaper of general circulation within the
2 7 geographic area served by the entity created or the
2 8 administrator or joint board specified in the
2 9 agreement. The entity created or the administrator or
2 10 joint board specified in the agreement shall furnish a
2 11 copy of the proceedings to be published to the
2 12 newspaper within one week following adjournment of the
2 13 meeting. The publication of the schedule of bills
2 14 allowed shall include a list of all salaries paid for
2 15 services performed, showing the name of the person or
2 16 firm performing the service and the amount paid.
2 17 However, the names and gross salaries of persons
2 18 regularly employed by the entity created or the
2 19 administrator or joint board specified in the
2 20 agreement shall only be published annually. This
2 21 subsection shall not apply if the entity or the
2 22 administrator or joint board specified in the
2 23 agreement includes public agencies from more than one
2 24 state.

2 25 Sec. _____. ELECTRONIC SUBMISSION OF CONTRACTS ==
2 26 REPORT. The department of administrative services
2 27 shall submit a report concerning steps necessary to
2 28 provide for the electronic submission and retention of
2 29 contracts by the department. The department shall
2 30 submit the report, with its findings and
2 31 recommendations, to the general assembly by December
2 32 1, 2006. The report shall identify any costs
2 33 associated with implementing the recommendations of
2 34 the report.>
2 35 #10. Page 9, line 8, by striking the figure
2 36 <28E.5> and inserting the following: <28E.6>.
2 37 #11. Page 9, line 15, by inserting after the word
2 38 <review> the following: <, during normal business
2 39 hours upon reasonable notice of at least twenty-four
2 40 hours,>.
2 41 #12. Page 9, line 32, by striking the words <"b",
2 42 or "c"> and inserting the following: <or "b">.
2 43 #13. Page 12, line 3, by inserting after the word
2 44 <DUTIES> the following: <== DISCLOSURES OF
2 45 INFORMATION>.
2 46 #14. Page 12, by striking lines 4 through 26.
2 47 #15. Page 12, line 35, by striking the word
2 48 <section> and inserting the following: <chapter>.
2 49 #16. By striking page 13, line 4, through page 19,
2 50 line 19, and inserting the following:
3 1 <Sec. _____. NEW SECTION. 2C.11A SUBJECTS FOR
3 2 INVESTIGATIONS == DISCLOSURES OF INFORMATION.
3 3 The office of citizens' aide shall investigate a
3 4 complaint filed by an employee who is not a merit
3 5 system employee or an employee covered by a collective
3 6 bargaining agreement and who alleges that adverse
3 7 employment action has been taken against the employee
3 8 in violation of section 70A.28, subsection 2. A
3 9 complaint filed pursuant to this section shall be made
3 10 within thirty calendar days following the effective
3 11 date of the adverse employment action. The citizens'
3 12 aide shall investigate the matter and shall issue
3 13 findings relative to the complaint in an expeditious
3 14 manner.
3 15 Sec. _____. Section 70A.28, subsection 2, Code 2005,
3 16 is amended to read as follows:
3 17 2. A person shall not discharge an employee from
3 18 or take or fail to take action regarding an employee's
3 19 appointment or proposed appointment to, promotion or
3 20 proposed promotion to, or any advantage in, a position
3 21 in a state employment system administered by, or
3 22 subject to approval of, a state agency as a reprisal
3 23 for a failure by that employee to inform the person
3 24 that the employee made a disclosure of information
3 25 permitted by this section, or for a disclosure of any
3 26 information by that employee to a member or employee
3 27 of the general assembly, a disclosure of information
3 28 to the office of citizens' aide, or a disclosure of
3 29 information to any other public official or law
3 30 enforcement agency if the employee reasonably believes
3 31 the information evidences a violation of law or rule,
3 32 mismanagement, a gross abuse of funds, an abuse of
3 33 authority, or a substantial and specific danger to
3 34 public health or safety. However, an employee may be
3 35 required to inform the person that the employee made a
3 36 disclosure of information permitted by this section if
3 37 the employee represented that the disclosure was the
3 38 official position of the employee's immediate
3 39 supervisor or employer.
3 40 Sec. _____. Section 70A.28, Code 2005, is amended by
3 41 adding the following new subsection:
3 42 NEW SUBSECTION. 5A. Subsection 2 may also be
3 43 enforced by an employee through an administrative
3 44 action pursuant to the requirements of this subsection
3 45 if the employee is not a merit system employee or an
3 46 employee covered by a collective bargaining agreement.
3 47 An employee eligible to pursue an administrative
3 48 action pursuant to this subsection who is discharged,
3 49 suspended, demoted, or otherwise reduced in pay and
3 50 who believes the adverse employment action was taken
4 1 as a result of the employee's disclosure of
4 2 information that was authorized pursuant to subsection
4 3 2, may file an appeal of the adverse employment action
4 4 with the public employment relations board within
4 5 thirty calendar days following the later of the

4 6 effective date of the action or the date a finding is
4 7 issued to the employee by the office of the citizens'
4 8 aide pursuant to section 2C.11A. The findings issued
4 9 by the citizens' aide may be introduced as evidence
4 10 before the public employment relations board. The
4 11 employee has the right to a hearing closed to the
4 12 public, but may request a public hearing. The hearing
4 13 shall otherwise be conducted in accordance with the
4 14 rules of the public employment relations board and the
4 15 Iowa administrative procedure Act, chapter 17A. If
4 16 the public employment relations board finds that the
4 17 action taken by the person appointing the employee was
4 18 in violation of subsection 2, the employee may be
4 19 reinstated without loss of pay or benefits for the
4 20 elapsed period, or the public employment relations
4 21 board may provide other appropriate remedies.
4 22 Decisions by the public employment relations board
4 23 constitute final agency action.>
4 24 [#17](#). Title page, line 6, by striking the words
4 25 <establishment of a whistleblower board> and inserting
4 26 the following: <employment rights of employees making
4 27 a disclosure of information>.
4 28 [#18](#). By renumbering as necessary.
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4 32 _____
4 33 THOMAS G. COURTNEY
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4 36 _____
4 37 SF 2410.701 81
ec/gg/5748